

REMARKS

In of the above amendments and following remarks, reconsideration of the application is respectfully requested.

Status of the Application

Claims 1, 4-7, and 9-17 are pending. Claims 2, 3, and 8 are canceled without prejudice or disclaimer. Claim 1 has been amended for clarification and to incorporate the features of canceled claims 2 and 3. Claim 5 has been amended to be written in independent form. Claims 4, 6, 7, 9-14, and 17 have been amended for clarification and to conform to the language of amended claims 1 and 5. No new matter has been added.

Amendments to the Specification

Amendments to the specification are reflected in the enclosed substitute specification. The specification has been amended so that the language of the specification is in conformity with the amended claims. In particular, each instance of "mini sheet piece" has been amended to "mini-sheet." In accordance with MPEP § 608.01(q), the paragraphs of the substitute specification have been numbered according to those of U.S. Application Publication No. 2004-0158222. No new matter is added.

Claim Rejections under 35 U.S.C. § 101

Claim 8 has been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter for positively reciting a portion of the human body. Claim 8 has been canceled rendering this rejection moot.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1-6, 10, 11, 13, and 15-17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Wierlacher (WO 99/01093).

Claim 1 has been amended to recite the feature that “the mini-sheet is bonded at a peripheral edge to one end of the back sheet of the interlabial pad so as to form a pocket shaped finger insertion space.” In contrast, Wierlacher does not teach or suggest such a feature. The “handling aid” of Wierlacher is a single strip that crosses a portion of the backsheet and is attached at only two ends. *See* Wierlacher at pages 26-27 and Figs. 6 and 8-9. Wierlacher does not recognize the benefit provided by Applicants’ claimed feature, i.e., reducing the occurrence of contact between a wearer’s finger and bodily fluids. *See* Applicants’ specification at page 7, line 26-page 8, line 9. Therefore, Wierlacher does not teach a pocket shaped space, and amended claim 1 is not anticipated by Wierlacher.

Claims 2-4, 6, 10, 11, 13, and 15-16 depend from amended claim 1 and are not anticipated for at least the same reasons.

Claim 5, which has been rewritten in independent form, recites that “the mini-sheet is formed of a pair of flap portions extending from lateral sides of the interlabial pad, across the back sheet, the mini-sheet having an affixing portion at an end of each flap portion in order to affix the end of each flap portion.” A mini-sheet formed of a pair of flap portions provides the benefit of making the finger insertion opening adjustable. Applicants’ specification at page 10, lines 2-21. The Wierlacher handling aid is a single strip that is not formed of a pair of flap portions. *See* Figs. 6 and 8-9 of Wierlacher. Therefore, Wierlacher does not disclose each limitation of amended claim 5. Claim 17 depends from claim 5 and is allowable for at least the same reason.

For the reasons set forth above, Applicants respectfully request that the rejection be withdrawn.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 7 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wierlacher. Claim 14 has been rejected as being unpatentable over Wierlacher in view of Osborn (WO 98/08475).

As discussed above, Wierlacher does not teach or suggest a pocket shaped finger insertion space. Osborn, cited by the Examiner for its water dispersibility, also fails to teach or suggest this feature. Therefore, the combined teaching of Wierlacher and Osborn does not reach the interlabial pad of amended claim 1. Claims 7, 9, and 14 depend from amended claim 1 and are allowable for at least the same reasons.

CONCLUSION

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance. If there are any remaining issues which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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